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Supreme Court of the United States

OCTOBER TERM, 1947.

No. 142

NO. 12347

ON APPEAL FROM UNITED STATES CIRCUIT COURT OF APPEALS, FIFTH CIRCUIT, NEW ORLEANS, LA.

CESARIO CAMPA, ALIAS CESAR CAMPA, PRAYING FOR A WRIT OF HABEAS CORPUS.

CESARIO CAMPA, ALIAS CESAR CAMPA, PETITIONER,

versus

UNITED STATES OF AMERICA, RESPONDENT.

Petition for Writ of Certiorari to the United States Circuit Court of Appeals, Fifth Circuit, New Orleans, La., and Particulars and Brief in Support of Said Prayer and Petition for the Said Writ of Habeas Corpus.

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MAY IT PLEASE THE HONORABLE COURT:

The petitioner at bar, Cesario Campa, alias Cesar Campa, a resident, if not a citizen of San Antonio, Bexar County, Texas, respectfully petitions the Honorable Court for a Writ of Certiorari to the United States Circuit Court of Appeals, Fifth Circuit, New Orleans, La., as indicated herein.

STATEMENT OF THE MATTER INVOLVED.

The said appellant prayed for and applied for a Writ of Habeas Corpus to the United States Circuit Court of Appeals, Fifth Circuit, New Orleans, La., and applied at that said Honorable Court, and in that said Fifth Circuit, the said Honorable Justices of said Circuit, having by laws of the United States the same right and power to issue same in their said Circuit as the Honorable Judges of the various District Courts have in their respective Districts, and all the more because the said petitioner did not feel that his said prayer might be entertained and heard in the said District, even if the Honorable Judge might be available, in view of the fact that he had been for so long ruled against, adjudged and ordered and imprisoned by the said local District Judge, whereas, in the interest of time and relief the said petitioner directed his said position.

The petitioner presents for the Honorable Court's attention his petition and prayer for a Writ of Habeas Corpus, as duly and heretofore presented to the Honorable Court, United States Circuit Court of Appeals, Fifth Circuit, New Orleans, La., Case No. 12347, and which was denied on May 24th, 1948, and duly appealed.

The petitioner, in said application and prayer for a Writ of Habeas Corpus, has duly shown that he is unlawfully imprisoned by the Attorney General of the United States, at Seagoville, Texas, on the orders of the Honorable Judge of the United States District Court, Western District of Texas, San Antonio, Texas, as by the orders in Case No. 13260, in which said case he was convicted of unlawfully representing himself as an American citizen, in that he did buy a poll tax receipt, whereas, petitioner questions said poll tax laws of the State of Texas, and the constitutionality of same, as well as said State of Texas laws concerning poll taxes, to wit, Article 3004, which says that

no citizen shall be permitted to vote, unless he first presents to the judge of the election his poll tax certificate issued before the first of February, of the year in which he offers to vote, etc.

The petitioner also says that he is held contrary to his rights under the Bill of Rights and the United States Constitution, because the said Honorable Judge of the trial court, exceeded his right and authority, in that he, by his own law, and not the Laws of the United States, ordered him to admit his guilt, to wit, that he was not in fact an American citizen, and that he would not commit the said offense again, whereas, such orders are the orders of a man, and not the Laws of the United States, and, contrary to the Bill of Rights, as set out therein, seek to govern the conscience and belief of a man.

The petitioner states in various manners how he has been unlawfully convicted, and proves same by the records of said trial and various affidavits, and shows that he was not given a fair and impartial trial as guaranteed by the Bill of Rights, to wit, he was tried by a jury, the foreman of same appearing to have been of an opposing political faction, and therein shows that unlawful evidence and instruments without authentication of American Consuls were imported from Mexico and used against him in prejudice.

The petitioner points out that the said trial did not determine his citizenship; that he has a right to go into courts of Texas and apply for a delayed birth certificate, whereas, the said court order to admit guilt and agree not to commit said act again is unconstitutional.

JURISDICTIONAL STATEMENT.

It is suggested to the Honorable Supreme Court of the United States, that it and the Honorable Justices thereof, and each of them, have the legal right to entertain and hear and determine this said cause, being an application and prayer for the Writ of Habeas Corpus, as guaranteed by the bulwarks of our liberties, the heritages of free men, the Constitution of the United States of America and the Bill of Rights, as found in the said Articles and Amendments to our Federal Constitution, guaranteeing the right of a free mind and conscience, a fair trial by a jury, and a right to vote as a citizen, without interference by a state of the Union, seeking to shackle those rights of balloting, and in hearing and determining this said cause the Honorable Court has the power and right to determine if the prayer of the petitioner is just, and if he has been herein deprived of his rights as a citizen, and, perchance, if he has in fact lost his said constitutional rights as a citizen because of unlawful evidence, matters of an unconstitutional nature and other illegal matters, some or all of which violate the Bill of Rights, the United States Constitution, the restrictions on the rights of States concerning rights, privileges and voting, as well as the ancient laws of Habeas Corpus and the Atlantic Charter.

QUESTIONS PRESENTED

The questions herein presented are those as indicated supra and as set out at length in said Prayer for Habeas Corpus, and in which said case there has been no evidence introduced by respondent to refute the pleadings and evidence of the petitioner, whereas, justice and the principles of American Jurisprudence require a decision herein, and in such matters which involve the principles of American

Liberty, the United States Constitution, the Bill of Rights, and the requirements that a State shall give the equal rights of other States to a citizen, then the Honorable Supreme Court of the United States is concerned, and the petitioner presents these matters and prays for his rights and that the Honorable Court may hear and determine them, and the petitioner herein comes before the Honorable Court with his original prayer for the said Writ of Habeas Corpus, and in submitting his cause and the body for judgment he prays for same.

REASONS RELIED UPON FOR ALLOWANCE OF WRIT.

The Honorable Court of Circuit Court of Appeals, Fifth Circuit, New Orleans, for the United States, on said date denied the said prayer, and the cause has been duly appealed, as of record. The said prayer and application involve the Bill of Rights, the United States Constitution, the guarantees of the United States of America, and the restrictions and prohibitions against the States, and in particular involve the constitutionality of the said Laws of the State of Texas, and said Article 3004, whereby the State of Texas, contrary to the Federal Laws, the United States Constitution, and the United States Bill of Rights, laid the basis and vehicle of prosecution of the said petitioner in the said case, and even now causes said petitioner to be thereby imprisoned at Seagoville, Texas, by said unlawful convictions and orders, and it is suggested to the Honorable Court that unlawful evidence, brought out of Mexico, contrary to International Law, the Treaty of Guadaupe, and the conventions of nations was herein used as against the petitioner in the trial below, as indicated in said prayer and petition, whereas, petitioner is guaranteed

a fair trial and by an impartial jury, and a trial in accordance with the due process and the laws of the land.

Wherefore, your petitioner prays that a Writ of Certiorari may issue under the seal of the Honorable Court, directed to the United States Circuit Court of Appeals for the Fifth Circuit, New Orleans, La., commanding said court to certify and send to your Honorable Court a full and complete transcript of the record and proceedings of the said court of Appeals concerning the said case, Numbered and Entitled, Case No. 12347, Cesario Campa, alias Cesar Campa, Praying for a Writ of Habeas Corpus, to the end that this said cause may be heard, reviewed and determined by the Supreme Court of the United States, as provided by the Statutes and Laws of the United States, and the said petitioner still prays for Habeas Corpus, and for relief, general or special, either at law or in equity, and, in going before the country, the petitioner will ever pray for mercy and justice.

Dated and mailed June, 29th day, 1948.

Floyd Duke James

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